

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA
***ex rel.* SARAH BEHNKE,**

Plaintiffs,

v.

CVS CAREMARK CORPORATION, *et al.*,

Defendants.

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: **CIVIL ACTION**
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: **No. 14-824**
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ORDER

AND NOW, this 9th day of March, 2021, upon consideration of the parties' Joint Status Report (ECF No. 134) and following a conference with the parties on February 26, 2021, it is hereby **ORDERED** that:

- Defendants represent that they are producing pharmacy reconciliations only for Rite Aid and Walgreens because those are the only two retail pharmacies that contracted with Defendant CaremarkPCS Health LLC ("Caremark") for guarantees applicable to Medicare Part D prescriptions during the agreed upon discovery time period. Based upon this representation, Plaintiff-Relator's request for reconciliations from retail pharmacies other than Rite Aid and Walgreens is **DENIED without prejudice**. If Plaintiff-Relator can provide evidence to support that Caremark contracted with or otherwise had agreements with retail pharmacies other than Rite Aid and Walgreens for guarantees applicable to Medicare Part D prescriptions during the relevant period, she may raise such concerns by motion.

- I also find that with regard to Plaintiff-Relator's request for non-custodial data sources, Defendants are currently in compliance with the Electronically Stored Information Protocol.
- A discovery status conference is scheduled for **April 14, 2021 at 11:00 a.m.** Counsel should dial (571) 353-2300, 427102124#, to connect.
- The parties shall submit a joint status report **by no later than April 7, 2021.**

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.